

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CYNTHIA SWAROFF,

Plaintiff,

vs.

NANCY A. BERRYHILL, commissioner of
Social Security;

Defendant.

4:17CV3063

ORDER

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff - - must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff commenced this action on May 31, 2017. ([Filing No. 1](#)). To date, Plaintiff has neither requested summons nor filed any return of service indicating service on Defendant, and Defendant has not entered a voluntary appearance. Accordingly,

IT IS ORDERED that Plaintiff shall have until September 12, 2017, to show cause why this case should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 30th day of August 2017.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge